

# EXHIBIT 7

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1

2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE SOUTHERN DISTRICT OF NEW YORK  
4 Civil No.: 19 Civ. 08655 (LGS) (GWG)

5 -----x

6 ULKU ROWE,

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8 Plaintiff,

9

10

11 - against -

12

13

14 GOOGLE LLC,

15

16 Defendant.

17 -----x

18

19 October 14, 2020

20

21 9:39 a.m.

22

23

24

25

Videotaped Deposition of ULKU ROWE,  
taken by Defendant, pursuant to Notice,  
held via Google Hangouts videoconference,  
before Todd DeSimone, a Registered  
Professional Reporter and Notary Public of  
the States of New York and New Jersey.

1 U. ROWE  
2 you know, someone that provides thought  
3 leadership, so, you know, a leadership role  
4 outside of OCTO.

5 Q. But when he left OCTO, he also  
6 took on responsibility for managing a team  
7 of people, correct?

8                   A.            Correct.    That's my  
9 understanding.

10 Q. When he was in OCTO, was he  
11 managing other people?

12           A.        I don't remember if -- I don't  
13 remember if he did.

14 Q. Have you at any point in time  
15 since you have been at Google managed other  
16 people?

17 A. I have not.

18 Q. Is that sometimes referred  
19 to --

20                   A.            Well, other than my executive  
21                   assistant.

22 Q. Is that sometimes referred to  
23 as an individual contributor?

24 A. Yes.

25 | O. so you have been an individual

1                   U. ROWE

2                   contributor your entire time at Google,  
3                   correct?

4                   A.        Correct.

5                   Q.        Was Mr. Harteau an individual  
6                   contributor when he first joined the  
7                   company in OCTO?

8                   A.        Yes.

9                   Q.        But he was not when he left  
10                  OCTO and joined engineering, he was no  
11                  longer an individual contributor, right?

12                  A.        That's my understanding.

13                  Q.        Is Royal Hansen an individual  
14                  contributor?

15                  A.        I don't believe so.

16                  Q.        He manages other people, right?

17                  A.        Yes.

18                  Q.        What about Jonathan Donaldson,  
19                  is he an individual contributor?

20                  A.        He was an individual  
21                  contributor when we were first hired into  
22                  OCTO. I think today he does manage people.

23                  Q.        Do you know at what point in  
24                  between him joining OCTO and today he  
25                  stopped being an individual contributor and

1                   U. ROWE

2 responsibilities. The same as whom?

3                   A.        So the same -- so everyone in  
4 OCTO has similar.

5                   Q.        So it is similar to what you  
6 do?

7                   A.        Correct.

8                   Q.        Do you know what his experience  
9 was before coming to Google?

10                  A.        I don't remember right now.

11                  Q.        Did you ever know?

12                  A.        I think he worked for a  
13 consulting company, but I can't remember  
14 right now.

15                  Q.        Do you know what his  
16 educational background is?

17                  A.        I believe he has a Ph.D., but I  
18 may be wrong.

19                  Q.        Do you have a Ph.D.?

20                  A.        I don't have a Ph.D.

21                  Q.        Do you know what his Ph.D. is  
22 in?

23                  A.        I don't.

24                  Q.        But you and Mr. Penberthy do  
25 the same thing, is that fair to say?

1                   U. ROWE

2                   A.        We have similar  
3 responsibilities.

4                   Q.        Sufficient for you to consider  
5 Mr. Penberthy to be similarly situated to  
6 you, correct?

7                   A.        So I have since learned that,  
8 you know, Scott is at level 8, but I think,  
9 what I believe, is my experience and my  
10 qualifications are in line with the level 9  
11 men in OCTO.

12                  Q.        But he is similarly situated to  
13 you, correct, Mr. Penberthy?

14                  A.        Incorrect.

15                  Q.        You gave an answer under the  
16 penalty of perjury in your interrogatory  
17 response that Scott Penberthy is similarly  
18 situated to you, right?

19                  A.        Well, at that time, you know, I  
20 thought he was a level 9, and through  
21 discovery I learned that he was a level 8.

22                  Q.        So that changes your answer,  
23 right?

24                  A.        So, look, I don't know every  
25 single qualification and everything that

1 U. ROWE

2 Scott does. I do know we're both members  
3 of OCTO, but, you know, I am comparing  
4 myself to the level 9 men in OCTO, and I'm  
5 claiming that, you know, we are similarly  
6 situated.

7 Q. So do you want to change your  
8 interrogatory answer? You are here  
9 testifying under oath. So is it your  
10 testimony now today on October 14th of 2020  
11 that Scott Penberthy is not similarly  
12 situated to you because he is a level 8; is  
13 that your testimony?

14 MS. GREENE: Objection.

15 Q. Is that your testimony?

16           A.        Look, I'm just saying, you  
17        know, what I'm comparing myself is to  
18        men.

19 Q. I understand that is your  
20 claim, Ms. Rowe, but this interrogatory  
21 didn't ask you that question. This  
22 interrogatory asked you who was similarly  
23 situated.

24 You testified earlier today  
25 that you knew what that term meant and you

1                   U. ROWE

2    testified that these answers were true and  
3    correct. And so I'm asking you now, do you  
4    want to change -- do you want to change  
5    your answer and say that Scott Penberthy is  
6    not similarly situated to you; is that your  
7    answer?

8                   MS. GREENE: Objection.

9                   A.        I don't know how to answer that  
10                  question. I guess --

11                  Q.        Let me ask a simpler question.

12                  A.        What I'm saying is --

13                  Q.        I'm going to ask a simpler  
14                  question, Ms. Rowe.

15                  A.        Fine.

16                  Q.        You are under oath today,  
17                  right?

18                  A.        Yes.

19                  Q.        Is, using your definition of  
20                  similarly situated, is Scott Penberthy  
21                  similarly situated to you?

22                  A.        No.

23                  Q.        And is that because he is a  
24                  level 8?

25                  A.        Well, it is because that, you

1 U. ROWE  
2 know, I am comparing myself to the level 9  
3 men and their skill sets and their  
4 experiences versus mine. You know, and  
5 that's the reason I'm including the level 9  
6 men. So if I was putting this response  
7 into Interrogatory No. 5 today, I would not  
8 include Scott Penberthy.

9 Q. Is there anyone else you want  
10 to strike from the list?

11 MS. GREENE: Objection.

12 Q. You can answer.

13                   A.            No, I can't think of any  
14                   others, no.

15 Q. When did you learn that Scott  
16 Penberthy was a level 8?

17                   A.            Through discovery. I don't  
18 remember the exact time.

19 Q. And at the point you learned he  
20 was a level 8, is that when you no longer  
21 considered him to be similarly situated to  
22 you?

23 A. Yes.

24 Q. I'm sorry, was your answer yes?

25 A. So, look, I don't know

1 U. ROWE  
2 everything about Scott, and I don't know  
3 about his qualifications, and I'm not  
4 comparing my qualifications to his. I am  
5 comparing my qualifications to the men at  
6 level 9 at Google Cloud eng, and so I  
7 learned that Scott was at a level 8, so I  
8 don't compare myself to him.

9 Q. But I'm asking you to compare  
10 yourself to him right now, okay? So let me  
11 ask you a few questions about that.

14 A. No.

15 Q. You don't? What's different  
16 about the job that you do in contrast to  
17 the job that Mr. Penberthy does?

18           A.        Our jobs are similar, they are  
19        not exactly the same.

20 Q. Tell me how they are different.

21           A.        Look, I don't know everything  
22        that Scott does on a day-to-day basis. I  
23        don't have insight into, you know, his day  
24        or exactly what he does. I think in  
25        general we do, you know, similar things,

1                   U. ROWE

2   like everybody in OCTO, but I don't know --

3   I don't know how to compare myself to him.

4                   Q.        Well, you certainly know more  
5   about what Mr. Penberthy does than you know  
6   about what Royal Hansen does, right?

7                   A.        I have better -- I have better  
8   insight into it.

9                   Q.        Into what Mr. Penberthy does,  
10   right?

11                  A.        Yes.

12                  Q.        Well, you quite confidently  
13   said you were similarly situated to Royal  
14   Hansen, and you know more about what  
15   Mr. Penberthy does. So my question to you  
16   is, is Scott Penberthy similarly situated  
17   to you?

18                  MS. GREENE: Objection.

19                  A.        No.

20                  Q.        Why not?

21                  A.        Look, I don't know. Maybe the  
22   better answer is to say I don't know,  
23   because what I do know is I compare myself  
24   to level 9's and I believe we are similarly  
25   situated. With Scott, I don't know.

1                   U. ROWE

2                   Q.        It's because you found out he  
3    is a level 8 and you don't want him to be  
4    similarly situated, right?

5                   MS. GREENE: Objection.

6                   A.        No.

7                   Q.        Then why?

8                   A.        Because I'm not comparing  
9    myself to him.

10                  Q.        So is it fair to say, then,  
11    Ms. Rowe, that you identified people in  
12    response to Interrogatory 5 who you are  
13    comparing yourself to?

14                  MS. GREENE: Objection.

15                  A.        No.

16                  MR. GAGE: Could you reread  
17    that answer. I didn't hear it.

18                  (The record was read.)

19                  Q.        What about Jon Saxe, what does  
20    Jon Saxe do at Google?

21                  A.        I believe he is an eng director  
22    at Google. Sorry, to be honest, sorry, I  
23    don't know if he is still doing that. You  
24    know, at the time he did.

25                  Q.        You said to be honest. We do

1                   U. ROWE

2   want you to be honest, okay?

3                   Do you know what Jon Saxe does  
4   currently at Google?

5                   A.       I don't.

6                   Q.       Was there a point in time when  
7   you did know what Jon Saxe does?

8                   A.       I did.

9                   Q.       What level is he?

10                  A.       I don't know.

11                  Q.       Do you think he is a level 8?

12                  A.       I think he is either a level 9  
13   or a level 10.

14                  Q.       If he were a level 8, would he  
15   be similarly situated to you?

16                  MS. GREENE: Objection.

17                  A.       That's not who I'm comparing  
18   myself to.

19                  Q.       So you're not comparing  
20   yourself to Jon Saxe?

21                  A.       Sorry, I'm not comparing myself  
22   to level 8's.

23                  Q.       But you don't know what level  
24   Mr. Saxe is, right?

25                  A.       So right now I can't recall.

1                           U. ROWE

2                           Q.        And if Mr. Saxe were a level 8,  
3 would he be similarly situated to you?

4                           A.        I don't know.

5                           Q.        Earlier you said you understood  
6 Interrogatory No. 5 and that you answered  
7 it under oath. So are you changing your  
8 testimony, do you not understand  
9 Interrogatory No. 5?

10                          MS. GREENE: Objection.

11                          A.        No, I understand -- I  
12 understand it.

13                          Q.        So you understand Interrogatory  
14 No. 5. You previously said under oath that  
15 Scott Penberthy is similarly situated,  
16 right?

17                          A.        Correct.

18                          Q.        But then today, because you now  
19 know Scott Penberthy is a level 8, and  
20 you're not comparing yourself to level 8's,  
21 you have changed your answer and said that  
22 he, Scott Penberthy, is not similarly  
23 situated, right?

24                          MS. GREENE: Objection.

25                          A.        All I'm saying -- no, that's

1                   U. ROWE

2 not what I'm saying.

3                   Q.        So I have no idea what you're  
4 saying, Ms. Rowe. I want to know, today,  
5 sitting here right now, you tell me, is  
6 Scott Penberthy similarly situated to you?

7                   A.        I don't know.

8                   Q.        When you signed and verified  
9 these interrogatories under oath, did you  
10 know whether Scott Penberthy was similarly  
11 situated?

12                   MS. GREENE: Objection.

13                   A.        I thought he was similarly  
14 situated.

15                   Q.        And what's changed since then?

16                   A.        Because at the time I wasn't  
17 sure 100 percent either, and now I'm not --  
18 I'm not sure. That was my belief at the  
19 time, right.

20                   Q.        What has changed since then  
21 besides you finding out that Mr. Penberthy  
22 is a level 8?

23                   A.        I don't know.

24                   Q.        Nothing else has changed, has  
25 it? Right?

1                           U. ROWE

2                           A.        Well, nothing has changed. I'm  
3        still saying I know my qualifications. I  
4        know everyone else's qualifications.

5                           Q.        Ms. Rowe, I'm not asking you to  
6        argue your case. That's up to your lawyer,  
7        that is your lawyer's job, they are very  
8        capable lawyers, you have hired very  
9        capable lawyers and they will argue your  
10      case. I am asking you for your knowledge.  
11      I'm asking you about your interrogatory  
12      responses.

13                          And you identified Scott  
14      Penberthy as someone who you believed was  
15      similarly situated in your interrogatory  
16      response. Today you have changed that  
17      answer and said he is not similarly  
18      situated. And I'm asking you what, other  
19      than finding out that he is a level 8, has  
20      changed since then?

21                          MS. GREENE: Objection.

22                          A.        So I'm saying at the time I  
23      thought he was similarly situated, and  
24      right now I'm not sure if he is similarly  
25      situated.

1                          U. ROWE

2                  Q.      But that wasn't my question.  
3  My question was, what has changed since you  
4  signed your interrogatory responses other  
5  than you finding out that he is a level 8?

6                  A.      I don't know.

7                  Q.      Nothing else has changed, has  
8  it?

9                  A.      I don't know.

10                Q.      Why not? Why don't you know?

11                        MS. GREENE: Objection.

12                A.      I don't know.

13                Q.      So is it your testimony right  
14  now that Scott Penberthy is not similarly  
15  situated to you; is that your testimony?

16                A.      My testimony right now is I am  
17  not sure.

18                Q.      So are you sure that Royal  
19  Hansen is similarly situated to you?

20                A.      To the best of my  
21  understanding.

22                Q.      Why are you sure that Royal  
23  Hansen is similarly situated to you and  
24  you're not sure one way or the other about  
25  Scott Penberthy?

1                           U. ROWE

2                           MS. GREENE: Objection.

3                           A.        I didn't say I was sure. I was  
4 saying to the best of my knowledge.

5                           Q.        Are you sure about any of these  
6 answers to Interrogatory No. 5?

7                           MS. GREENE: Objection.

8                           A.        Lock, these are -- these are --  
9 is it 100 percent? No. Do I believe that  
10 they are right? Yes.

11                          Q.        So is Scott Penberthy 100  
12 percent wrong, is that answer 100 percent  
13 wrong?

14                          MS. GREENE: Objection.

15                          A.        Sorry, ask the question again.

16                          Q.        You just said I believe that  
17 you don't know whether your answer to  
18 Interrogatory No. 5 is 100 percent correct.  
19 Did I hear that correctly?

20                          A.        I'm saying that these are my  
21 best understanding. I believe them to be  
22 correct, but am I 100 percent sure that  
23 they are correct? No.

24                          Q.        And for Scott Penberthy, you  
25 have learned that he is a level 8 and now

1                           U. ROWE  
2    you don't think he is similarly situated,  
3    correct?

4                           A.        So I learned that he is level 8  
5    and it makes me question whether he is.

6                           Q.        So did you just put people on  
7    here who you believed to be at a higher  
8    level than you?

9                           MS. GREENE: Objection.

10                          A.        No.

11                          Q.        So do you believe that Royal  
12    Hansen is similarly situated to you?

13                          MS. GREENE: Objection, asked  
14    and answered.

15                          A.        Yes.

16                          Q.        Do you believe that Scott  
17    Penberthy is similarly situated to you?

18                          MS. GREENE: Objection.

19                          A.        I don't know.

20                          Q.        Why do you know -- why do you  
21    have an answer for Royal Hansen and not for  
22    Scott Penberthy?

23                          A.        Look, I know my own  
24    qualifications. I know --

25                          Q.        I'm not asking you about your

1 U. ROWE

2 | comparable.

3 Q. How are they different?

4           A.        I don't know what he does on a  
5        day-to-day basis, so I don't know, you  
6        know, what he does that might be different,  
7        but what I do know is that, you know, he  
8        does provide, you know, product and  
9        engineering guidance. He does provide  
10      thought leadership. He works across the  
11      organization. And he does have -- he does  
12      have, you know, client facing, and  
13      understanding his clients and building  
14      product type responsibilities.

15 Q. Does he write code as part of  
16 his job?

17 A. I don't know.

## 18 Q. Do you?

19 A. I don't, not production code.

20 Q. Have you ever, since you have  
21 been at Google?

22 A. So I have written code, but I  
23 have not contributed code to Google's  
24 products, if that's what you are asking.

25 Q. Do you know anyone else who is